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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$110.00

## Complete if Known

|                      |               |
|----------------------|---------------|
| Application Number   | 09/599,274    |
| Filing Date          | June 22, 2000 |
| First Named Inventor | Garrill       |
| Examiner Name        | J. Foster     |
| Group Art Unit       | 3728          |
| Attorney Docket No.  | PG4114        |

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-1392

Deposit  
Account  
Name

GlaxoSmithKline

- ☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status.  
See 37 CFR § 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee<br>Code | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description |
|-------------|-------------|-------------|-------------|-----------------|
|-------------|-------------|-------------|-------------|-----------------|

Fee Paid

|     |     |     |     |                    |
|-----|-----|-----|-----|--------------------|
| 101 | 710 | 201 | 355 | Utility filing fee |
|-----|-----|-----|-----|--------------------|

|     |     |     |     |                   |
|-----|-----|-----|-----|-------------------|
| 106 | 320 | 206 | 160 | Design filing fee |
|-----|-----|-----|-----|-------------------|

|     |     |     |     |                  |
|-----|-----|-----|-----|------------------|
| 107 | 490 | 207 | 245 | Plant filing fee |
|-----|-----|-----|-----|------------------|

|     |     |     |     |                    |
|-----|-----|-----|-----|--------------------|
| 108 | 710 | 208 | 355 | Reissue filing fee |
|-----|-----|-----|-----|--------------------|

|     |     |     |    |                        |
|-----|-----|-----|----|------------------------|
| 114 | 150 | 214 | 75 | Provisional filing fee |
|-----|-----|-----|----|------------------------|

SUBTOTAL (1)

### 2. EXTRA CLAIM FEES

| Extra Claims          |           | Fee from<br>below | Fee Paid |
|-----------------------|-----------|-------------------|----------|
| Total Claims          | -20** = 0 | X                 | 0.00     |
| Independent<br>Claims | -3** = 0  | X                 | 0.00     |
| Multiple Dependent    |           |                   |          |

Large Entity Small Entity

| Fee<br>Code | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description |
|-------------|-------------|-------------|-------------|-----------------|
|-------------|-------------|-------------|-------------|-----------------|

|     |    |     |   |                        |
|-----|----|-----|---|------------------------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
|-----|----|-----|---|------------------------|

|     |    |     |    |                                   |
|-----|----|-----|----|-----------------------------------|
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
|-----|----|-----|----|-----------------------------------|

|     |     |     |     |                                       |
|-----|-----|-----|-----|---------------------------------------|
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
|-----|-----|-----|-----|---------------------------------------|

|     |    |     |    |   |
|-----|----|-----|----|---|
| 109 | 80 | 209 | 40 | ** Reissue independent claims<br>over original patent |
|-----|----|-----|----|---|

|     |    |     |   |   |
|-----|----|-----|---|---|
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20<br>and over original patent |
|-----|----|-----|---|---|

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee<br>Code | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description |
|-------------|-------------|-------------|-------------|-----------------|
|-------------|-------------|-------------|-------------|-----------------|

Fee Description

Fee Paid

|     |     |     |    |                                     |
|-----|-----|-----|----|-------------------------------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath |
|-----|-----|-----|----|-------------------------------------|

|     |    |     |    |   |
|-----|----|-----|----|---|
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover<br>sheet |
|-----|----|-----|----|---|

|     |     |     |     |                             |
|-----|-----|-----|-----|-----------------------------|
| 139 | 130 | 139 | 130 | Non - English specification |
|-----|-----|-----|-----|-----------------------------|

|     |       |     |       |  |
|-----|-------|-----|-------|--|
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination |
|-----|-------|-----|-------|--|

|     |      |     |      |   |
|-----|------|-----|------|---|
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner<br>action |
|-----|------|-----|------|---|

|     |        |     |        |  |
|-----|--------|-----|--------|--|
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner<br>action |
|-----|--------|-----|--------|--|

|     |     |     |    |  |
|-----|-----|-----|----|--|
| 115 | 110 | 215 | 55 | Extension for reply within first month |
|-----|-----|-----|----|--|

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 116 | 390 | 216 | 195 | Extension for reply within second month |
|-----|-----|-----|-----|---|

|     |     |     |     |  |
|-----|-----|-----|-----|--|
| 117 | 890 | 217 | 445 | Extension for reply within third month |
|-----|-----|-----|-----|--|

|     |       |     |     |   |
|-----|-------|-----|-----|---|
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month |
|-----|-------|-----|-----|---|

|     |       |     |     |  |
|-----|-------|-----|-----|--|
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month |
|-----|-------|-----|-----|--|

|     |     |     |     |                  |
|-----|-----|-----|-----|------------------|
| 119 | 310 | 219 | 155 | Notice of Appeal |
|-----|-----|-----|-----|------------------|

|     |     |     |     |  |
|-----|-----|-----|-----|--|
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal |
|-----|-----|-----|-----|--|

|     |     |     |     |                          |
|-----|-----|-----|-----|--------------------------|
| 121 | 270 | 221 | 135 | Request for oral hearing |
|-----|-----|-----|-----|--------------------------|

|     |       |     |       |   |
|-----|-------|-----|-------|---|
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding |
|-----|-------|-----|-------|---|

|     |     |     |    |                                  |
|-----|-----|-----|----|----------------------------------|
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable |
|-----|-----|-----|----|----------------------------------|

|     |       |     |     |                                    |
|-----|-------|-----|-----|------------------------------------|
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional |
|-----|-------|-----|-----|------------------------------------|

|     |       |     |     |                                |
|-----|-------|-----|-----|--------------------------------|
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) |
|-----|-------|-----|-----|--------------------------------|

|     |     |     |     |                  |
|-----|-----|-----|-----|------------------|
| 143 | 440 | 243 | 220 | Design issue fee |
|-----|-----|-----|-----|------------------|

|     |     |     |     |                 |
|-----|-----|-----|-----|-----------------|
| 144 | 600 | 244 | 300 | Plant issue fee |
|-----|-----|-----|-----|-----------------|

|     |     |     |     |                               |
|-----|-----|-----|-----|-------------------------------|
| 122 | 130 | 122 | 130 | Petitions to the Commissioner |
|-----|-----|-----|-----|-------------------------------|

|     |    |     |    |  |
|-----|----|-----|----|--|
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR § 1.127(q) |
|-----|----|-----|----|--|

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 126 | 180 | 126 | 180 | Submission of Information Disclosure<br>Statement |
|-----|-----|-----|-----|---|

|     |    |     |    |   |
|-----|----|-----|----|---|
| 581 | 40 | 581 | 40 | Recording each patent assignment per property<br>(times number of properties) |
|-----|----|-----|----|---|

|     |     |     |     |  |
|-----|-----|-----|-----|--|
| 146 | 710 | 246 | 355 | Filing a submission after final rejection<br>(37 CFR § 1.129(a)) |
|-----|-----|-----|-----|--|

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 149 | 710 | 249 | 355 | For each additional invention to be examined<br>(37 CFR § 1.129(b)) |
|-----|-----|-----|-----|---|

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) |
|-----|-----|-----|-----|---|

|     |     |     |     |  |
|-----|-----|-----|-----|--|
| 169 | 900 | 169 | 900 | Request for expedited examination<br>of a design application |
|-----|-----|-----|-----|--|

Other fee (specify) Terminal Disclaimer Fee under 37 CFR 1.20(d)

110.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$110.00

## SUBMITTED BY

Name (Print/Type)

Christopher P. Rogers

Registration No.  
(Attorney/Agent)

36,334

## Complete (if applicable)

Telephone

(919) 483-1240

Signature

*Christopher P. Rogers*

Date

3 August 2001

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A



**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
**PG4114**

In re Application of: **Garrill et al.**

Application No.: **09/599,274**

Filed: **June 22, 2000**

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

The owner\*, **SmithKline Beecham**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,119,853**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

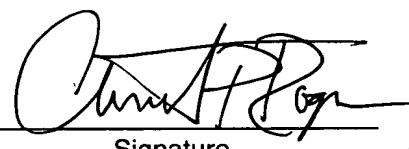
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature

**3 August 2001**  
Date

**Christopher P. Rogers**

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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